

Minutes
Bar Harbor Planning Board
August 1, 2007

Members present: Kay Stevens-Rosa, Chair; Jennifer Booher, Vice-Chair; Sarah Stanley, Secretary; Kevin Cochary; Mike Gurtler

Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Esq., Town Attorney

I. CALL TO ORDER — 5:34 p.m.

II. EXCUSED ABSENCES

No excused absences.

III. ADOPTION OF THE AGENDA

Ms. Booher made a motion to adopt the agenda. Ms. Stanley seconded and the board voted unanimously on the motion. The motion passed 5-0.

IV. APPROVAL OF MINUTES

No approval of minutes.

V. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-06-08 Cadillac Management Company, LLC

Project Location: 322, 330, and 336 Main Street, Bar Harbor Tax Map 108, Lots 30, 38, 39, and 40

Applicant: Cadillac Management Company, LLC

Application: The application proposes to build an addition (approximately 9,700 SF) to the existing Cadillac Mountain Office Building, with accompanying changes to parking and pedestrian circulation.

Ms. Stevens-Rosa recused herself from the hearing.

Mr. Moore, representing the applicant, expressed some uncertainty with who actually owns some of the trees on the border of the applicant's property and the public right-of-way. To avoid any confusion Mr. Perry said the trees in question were removed from the updated site plan.

Ms. Booher gave an overview of the two site plans being considered.

Mr. Cochary confirmed that the two plans are 9.1.c and 9.1.c.1.

Mr. Patterson, representing Mr. Colket, questioned tree credits that are not in the front yard because the ordinance refers to front yard in regards to the allocation of tree credits.

Mr. Patterson suggested permanently assigning parking spaces to lot 2 in the shared parking agreement.

Noreen Hogan, a member of the public, asked if the Board had visited the site during the day to observe the traffic. Every Board member has visited the site.

Mary Dudzik encouraged the Board to preserve as many trees as possible and for the applicant to consider scaling down the size of the project.

Alicia Riddell asked if the Board considered whether a methadone clinic could go into the site.

Ms. Krieg explained that the Board reviews allowed uses as part of the site plan review.

Bruce Riddell, a member of the public, expressed concern about the scale of the site.

Mr. Ross, speaking on behalf of the applicant, said the applicant does not agree with the 4 per thousand standard or the Board's interpretation of the predominant use standard and maximum build-out standards.

Mr. Moore, speaking on behalf of the applicant, said the record does not support language in the draft decision prepared by Amanda that dangerous traffic conditions currently exist at the sight.

Mr. Gurtler confirmed that the language regarding dangerous traffic conditions came from lay-person testimony.

Mr. Riddell commented that the police chief had said there are currently dangerous conditions around the site in a public meeting.

Mr. Gurtler made a motion to close public comment. Ms. Stanley seconded and the Board voted unanimous on the motion. The motion passed 4-0.

The Board opened deliberations.

Mr. Gurtler asked Mr. Bragg if the term shall in the ordinance means that the Board must grant all street tree credits requested by the applicant because of the word "shall".

Mr. Bragg explained that the Board does not have to grant all street tree credits because it conflicts with the requirement that the Board provide real parking for real uses. The Board can use its judgment to determine how many tree credits should be granted.

Mr. Gurtler wants the applicant to come back to the Planning Board if it requests any parking changes due to a change in the building's use.

Ms. Booher agreed that any parking changes due to a change in use should come back to the Board for review.

The Board said it will not make a decision on predominant use or prorated parking.

Mr. Gurtler inquired about a peer review for the landscaping counts produced by the applicant.

Ms. Krieg said this is an option for the Board if it so chooses.

Ms. Krieg commented on the street trees along Main St. and the ordinance's clear intent to preserve these trees as a corridor leading into the core business district.

The Board discussed which trees they want to allocate as parking credits.

The Board discussed how many spaces are appropriate for this use.

The Board agreed that 67 parking spaces is not enough for this site.

Mr. Gurtler proposed 82 parking spaces based on 14 green space credits and 8 street tree credits. The 104 parking spaces determined using a 4 per 1000 standard was subtracted by 14 for the green space credits and 8 for the street tree credits.

Mr. Gurtler made a motion to require 82 physical spaces for the proposed use. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 4-0.

Mr. Gurtler made a motion to not approve the project based on the proposed plan not containing the required parking. Mr. Cochary seconded and the Board discussed the motion. After discussing the motion to not approve the project Mr. Gurtler withdrew his motion.

Mr. Moore, speaking for the applicant, said they would prefer to come back to the Board with a parking plan to provide 82 spaces.

Mr. Gurtler made a motion to reopen public hearing to comment on the new parking proposal on August 15. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 4-0.

B. Sketch Plan Review – PUD-07-01 – Hamilton Station

Project Location: 831 State Highway 3, Bar Harbor Tax Map 202, Lot 33

Applicant: Hamilton Station, LLC; Shaw & Gott, LLC

Application: Proposal of a Planned Unit Development to place 65 units/lots with a commercial component on 42 acres.

Mr. Booher made a motion not to ask Ms. Stevens-Rosa to recuse herself due to her professional relationship with the applicant's representatives. Mr. Gurtler seconded and the Board voted unanimously on the motion. The motion passed 5-0.

Ms. Stevens-Rosa gave an overview of the PUD-O process.

Mr. Musson, representing the applicant, gave a presentation of the proposed development.

Mr. Johnston, representing the applicant, said there is no formal application with MaineDOT at this time.

Ms. Stevens-Rosa said the red barns on the property are of great concern for preservation.

Mr. Johnston said the barns are in poor shape and the applicant has not yet decided what to do with them.

Ms. Booher offered some informational resources on barn preservation.

Ms. Krieg gave an overview of what the comprehensive plan says about the area of the proposed development.

Mr. Musson went over the base development proposal. The applicant has established on its own a base development density of 68 units.

Mr. Ross, speaking for the applicant, asked to clarify the process of build-out in phases and whether there is flexibility in phasing in the project.

Ms. Krieg responded that yes this is done but ultimately the Board makes its decision based on the purpose and intent of the PUD as a master planned community.

Mr. Gurtler said the phasing in of development must be balanced too.

Mr. Musson addressed the applicant's density increase allowances.

Ms. Stevens-Rosa discussed the LEED certification provision in the PUD ordinance and inquired as to whether the Board has the discretion to allow additional units than the PUD states if it feels it is appropriate.

Ms. Krieg agreed to look into it.

Mr. Musson asked for some clarification on the shared septic provision in the PUD ordinance and whether the applicant would get the credit if the clustered housing used shared septic but the single family units did not.

Ms. Stevens-Rosa opened up the meeting to public comment.

Ruth Csear, a member of the public, said she was also speaking for the Bakers, Chorovers, Baileys, Karneckys, Boylins, Meltzers, John Kelly and Mary Opdyke. Ms. Csear does not think the sketch plan meets the standard of a PUD. She explained the reasons she does not think the plan meets a PUD. They include the lack of clustering, buffering and reduction of infrastructure. Ms. Csear commented on the

poor soil quality, shoreland zoning setbacks, noise, bald eagle nesting areas and traffic.

Mary Opdyke asked that the notes from the Salisbury Cove comprehensive plan meeting be distributed.

John Kelly, a resident of Seabury Drive, commented about the Great American Neighborhood concept and the requested waivers.

Mr. Kelly does not believe the sketch plan meets the criteria of a Great American Neighborhood.

Mr. Kelly asked the Board to consider whether a PUD is appropriate for this location.

Mr. Kelly commented on the granting of waivers by the Planning Board and didn't feel it was appropriate that the Planning Board act on waivers at this meeting.

Steve Chorover, a Salisbury Cove resident, commented on the procedure of granting waivers.

Mr. Gurtler asked Mr. Bragg to speak to the waivers issue discussed by members of the public.

Mr. Bragg noted that if a waiver request is inapplicable then standard practice is suitable.

Mr. Cochary commented that because a PUD is a different type of development a greater burden is placed on the applicant so they should provide written statements behind the request for waivers.

The Board decided to ask the applicant to provide a written explanation for all waivers that are not clearly inapplicable.

Jane Disney spoke about the clam flats in front of Bay View Drive and the efforts to preserve them in this area.

Mr. Gurtler asked what kind of study would be appropriate above and beyond what the Board normally requires.

Ms. Disney said a nitrogen modeling study would be helpful.

Ms. Csear commented on at-risk wells in the area. There are two.

Mr. Johnston said the monitoring of the environment on the site has been ongoing.

Ms. Booher reviewed the waivers

Mr. Gurtler made a motion to continue the sketch plan to the August 15 meeting. Ms. Booher seconded and the Board voted unanimously on the motion. The motion passed 5-0.

C. Completeness Review – SP-05-02 – Acadia Storage

Project Location: 1427 State Highway 102, Bar Harbor Tax Map 220, Lot 25

Applicant: Acadia Storage

Application: Proposes to construct two self-storage buildings.

The first completeness hearing for this project was on April 20, 2005. The application was not deemed complete at the time.

Mr. Johnston, speaking for the applicant, submitted a new stormwater management plan.

Mr. Johnston explained that this application is more detailed in its grading, buffering, and stormwater maintenance.

Ernie Abdamore, an abutter within 300' of the site, explained that the proposed road of the project runs over his property. Mr. Abdamore was mistaken about the location of his property in relation to the site. His property is farther up the road.

Mr. Gurtler made a motion to find the application complete. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 5-0.

VI. OTHER BUSINESS

A. Request for endorsement of the Okeden subdivision

The Board authorized endorsement.

The Board discussed the pending appeal of the Dawes subdivision.

Mr. Gurtler made a motion to direct staff to provide a copy of the 5.2.07 Planning Board to the Appeals Board to view the Dawes decision. Ms. Booher seconded and the Board voted unanimously on the motion. The motion passed 5-0.

VII. PLANNING DIRECTOR'S REPORT

Ms. Krieg provided a Comprehensive Plan update to the Board.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT - 9:27 PM

Mr. Gurtler made a motion to adjourn, Ms. Booher seconded and the Board voted unanimously on the motion. The motion passed 5-0.

Signed as approved:

Kay Stevens-Rosa, Chair
Planning Board, Town of Bar Harbor

Dated